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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-third session

PROVISIONAL SUMMARY RECORD OF THE 996th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 9 August 1993, at 3 p.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4)(continued)

Twelfth periodic report of Kuwait (CERD/C/226/Add.5) (continued)

1. At the invitation of the Chairman, Mr. Al-Nouri and Mr. Behbehani (Kuwait) resumed places at the Committee table.

2. Mr. AL-NOURI (Kuwait) said that he wished first of all to state that the allegations of ill-treatment of domestic employees in Kuwait were false. There were currently over 100,000 such employees in Kuwait. They were regarded as members of the families for which they worked and were very well treated. In that connection, reference should be made to the statement made by the Ambassador of Pakistan to Kuwait on 20 January 1993 and to the interview of the Ambassador of Bangladesh published in a Kuwaiti newspaper of 18 January 1993 as well as to statements made by other diplomats posted to Kuwait, which had all paid tribute to the Kuwaitis for the excellent manner in which they treated the domestic employees who were nationals of their respective countries. He would like the members of the Committee to have copies of those statements. He pointed out that the question of the treatment of domestic employees should be examined in its entirety, both in its positive and its negative aspects. He acknowledged that problems could sometimes arise, but they affected only 1 per cent of domestic employees. Those problems sometimes stemmed from the fact that the persons coming to work in Kuwait had not been properly informed by the placement offices in their own countries, which assured them of a position equivalent to or better than the one that they occupied instead of telling them that they would be domestic employees. He also pointed out that, once their contract of employment had expired, many domestic employees wished to return to work in Kuwait, which proved once again that those persons were well treated. The State guaranteed them the same rights as any other Kuwaiti citizen, including that of going to court if they were ill-treated, and ensured that they were informed about their rights. In that regard, he recalled that a court had recently sentenced an employer to seven years' imprisonment for ill-treating a domestic employee. Furthermore, those employees contributed to the development and the growth of their own countries by remitting their earnings. Such transfers also represented the primary source of foreign revenue for some of those countries. In addition, the Kuwaiti Government cooperated with the embassies and diplomatic missions of the countries of which those employees were nationals and had set up a reception centre for employees fleeing from the families by which they were employed. Lastly, he noted that Kuwaiti families who travelled abroad took their employees with them; people could therefore see for themselves what good relations they had with their employees and the excellent treatment which the latter received.

3. Regarding the nationals of countries which had collaborated with the Iraqi regime during the occupation of Kuwait, and the Palestinians in particular, he refuted the allegations that they had been subjected to ill-treatment. He added that the Palestinians who had been in Kuwait at the time of the invasion had in fact been Jordanian citizens. Of the approximately 400,000 Palestinian citizens who had been in Kuwaiti territory, 250,000 had left during the occupation, because of the damage that they too had suffered. When the country had been liberated, they had felt guilty because their leaders had collaborated with the occupiers. The Kuwaiti Government had paid their wages to all who had left except for those who had collaborated with the Iraqi regime and could therefore

be brought to justice. There were currently some 50,000 persons in Kuwait who held travel documents issued by another country which refused to receive them. Those persons were very well treated; their children could sit competitive university entrance examinations and, if they were placed among the first, they were given awards by the Emir of Kuwait. The representatives of the humanitarian organizations that had visited the country had paid tribute to the Kuwaitis for their treatment of the Palestinians. Furthermore, a human rights committee, which came under the National Assembly, had conducted a study on Palestinians holding travel documents and had recommended that the authorities should issue them with residence permits. The Government was in the process of taking the necessary steps to carry out that recommendation. The Kuwaiti Government had never ceased its support of the Palestinian institutions, in a spirit of solidarity with the Palestinian people in their plight and especially with those who had been driven into Lebanon by Iraq. The Kuwaiti Government continued to make grants to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The Palestinians living in Kuwait were not subjected to any kind of discrimination and were treated as humanely as possible.

4. Regarding the violations of human rights allegedly committed in Kuwait after the liberation of the country, he pointed out that, for a short period of about one month, there had been some uncertainty about the conduct of the country's affairs before the lawful authorities had regained control of the situation. During that time, there might have been some extrajudicial sentences or executions. Having said that, the lawful authorities had in no way been involved in those incidents. On the contrary, they had made sure that the persons brought to justice enjoyed all the legal guarantees, that their trial was public and accessible to the local and international media, and that it took place in the presence of representatives of regional or international humanitarian organizations. Any sentencing of defendants had been in conformity with the law. In that connection, he cited the case of a woman holding Lebanese citizenship who had lodged a complaint of rape and whose assailants were currently being prosecuted. Kuwait attached great importance to questions of violations of human rights. It had signed an agreement with the International Committee of the Red Cross and was due to sign another with the International Organization for Migration. A number of humanitarian organizations could pursue their activities freely on Kuwaiti territory.

5. He did not share the view of the members of the Committee that Kuwait was a rich country, endowed with great wealth. Kuwait was in fact a desert country which depended on a single source of revenue which was furthermore depletable, namely oil.

6. The situation of foreigners had not changed after the liberation. The Kuwaiti Government continued to do its best to safeguard their status and to ensure them a stable life and a decent standard of living, provided of course that they abided by Kuwaiti law.

7. Turning to comments by Committee members to the effect the Kuwaiti authorities were exaggerating when they claimed that there had never been any discrimination in Kuwait on the ground of colour, he explained that such discrimination was in fact alien to Kuwaiti culture. In that regard, he referred to article 29 of the 1962 Kuwaiti Constitution concerning equality of rights and duties without distinction as to race, origin, language or religion.

8. On the subject of the elections of October 1992, he pointed out that they had been held with respect for freedom and in a spirit of integrity and that they had been hailed by all members of Parliament.

9. Lastly, in answer to the question as to why a law had not been enacted to give effect to article 4 of the Convention, he pointed out that the Convention was an integral part of internal law and that there were laws against discrimination, of which mention had been made in the report. That being so, the legislature took action only when necessary, and no one in Kuwait had ever been prosecuted for racial discrimination.

10. In conclusion, he said that he was willing to respond to any other question or request for further information and assured the Committee that the next report would meet all the concerns of its members.

11. Mr. ABOUL-NASR thanked the Kuwaiti delegation for its replies, which had served to clarify many points. However, he noted that article 4 of the Convention was binding and that all States parties were required to comply with it. The fact that a crime had never been committed in a country did not mean that there was no need to pass a law against it. A judge could not in fact deliver a judgement if there was no law stipulating that anyone who committed such a crime was liable to a penalty. Kuwait should therefore review its Penal Code in order to include the provisions of article 4 of the Convention.

12. Mr. van BOVEN (Country Rapporteur for Kuwait) thanked the Kuwaiti delegation for the additional information it had provided, which showed that in spite of its length, the twelfth periodic report of Kuwait was not as informative as the Committee would have wished. As regards the question of nationality and of the Bedouins, he was not completely satisfied with the reply on ancestry. As to the problem of domestic employees, he felt that the subject should be considered further because the reports that had come to his attention were too consistent and too numerous to be unfounded. Regarding extrajudicial executions, he recognized that they had been committed just after the liberation of Kuwait, when the situation had not been fully under control, but he pointed out that if the Government did not prosecute those responsible, it became an accomplice of their acts.

13. Concerning the statement by Kuwait that there had never been any racial discrimination based on colour, he emphasized that, under the Convention, the term "racial discrimination" meant any distinction, exclusion, restriction or preference based not only on colour, but also on race, descent or national or ethnic origin, and he therefore wondered whether it could be claimed that there had never been any racial discrimination within the meaning of the Convention. Lastly, with regard to article 4 of the Convention, he agreed with Mr. Aboul-Nasr's comment on the binding nature of the article and recalled that, even if there was no racial discrimination, it was necessary, as a preventive measure, to include the provisions of article 4 in internal legislation. To conclude, he hoped that the thirteenth periodic report of Kuwait due in January 1994 would be drafted to take account of the debate that had just taken place on the twelfth report and would contain more information, especially about the major reforms which had reportedly been introduced in the Parliament and the courts.

14. Mr. WOLFRUM said that the representative of Kuwait had failed to give the clarifications expected regarding nationality. It was obviously for each country to prescribe the regulations concerning the acquisition of nationality which it

deemed appropriate. He had asked a question thinking, rather, about the different treatment - which appeared to be equivalent to discrimination within the meaning of the Convention - accorded to persons who had acquired Kuwaiti nationality after 1922 as compared with those who had held Kuwaiti nationality before that date and their descendants. The former appeared to be treated as second-class citizens, because they had gained the right to vote only after many years.

15. He also agreed with Mr. van Boven's last comment. He hoped that Kuwait's next report would focus to a large extent on the questions which had caught the Committee's attention, namely, the question of nationality, on the one hand and, on the other, the treatment of the three population groups identified as vulnerable during the discussion - namely, Asian domestics, the Bedouins and the Palestinians - particularly since, as Mr. Aboul-Nasr had pointed out, the status of one of those groups would shortly be changed.

16. Mr. AL-NOURI (Kuwait) said that, unfortunately, time did not permit him to give detailed replies to the questions he had been asked. He would simply point out that Kuwait was far from being the only country to apply the nationality regime in question. That regime was perfectly fair in that persons who had obtained Kuwaiti nationality after 1922 enjoyed the same rights as other citizens, except for the fact that the enjoyment of political rights was not acquired until after a certain time. To dispel Mr. Wolfrum's concerns on the subject, he assured him that those persons were given completely equal treatment; furthermore the Kuwaiti Parliament was currently considering the matter of their political rights.

17. Lastly, he wished to point out that Kuwaiti women could accede to the highest posts; for example, a woman had been appointed President of the University of Kuwait, which was the first such instance, in an Arab country. Consideration was being given to granting women the right to vote, and the authorities were making sure that any form of sex-based discrimination was eliminated from Kuwait.

18. In its next report, the Kuwaiti Government would make a point of providing precise answers to all the questions put by the Committee either during the discussion or subsequently.

19. The CHAIRMAN thanked the representative of Kuwait for his replies and announced that the Committee had completed its consideration of the twelfth periodic report of Kuwait.

20. The delegation of Kuwait withdrew.

Twelfth periodic report of the United Kingdom (CERD/C/226/Add.4)

21. At the invitation of the Chairman, Mr. Head, Mr. Steel, Mr. Rankin and Ms. Walsh (United Kingdom) took places at the Committee table.

22. Mr. HEAD (United Kingdom), introducing the twelfth periodic report of his country (CERD/C/226/Add.4), said that his Government attached particular

significance to the dialogue started with the Committee and considered it very much as a learning process. The United Kingdom's commitment had been demonstrated by the regularity and depth of its reports, and it had recently deposited notification of its acceptance of the amendment providing for the Committee's activities to be financed from the United Nations regular budget.

23. Regarding racial discrimination, the situation in the United Kingdom was far from being completely satisfactory. While the Government was committed to the ideal of a free and just society with equal rights and responsibilities for all, the attainment of that objective was a long and sometimes frustrating process, because it was easier to change laws than attitudes.

24. The Race Relations Act, 1976, remained the main legislative means for implementing the Convention in the United Kingdom. The Commission for Racial Equality was responsible for ensuring its proper application, and the Home Secretary was currently considering 31 recommendations made by the Commission in its second review of the Act. Those recommendations called, inter alia, for changes to the law, enhancement of the powers of the Commission, and adoption of new measures for discouraging discrimination, particularly in employment. That wide-reaching review raised some difficult policy and technical issues for the Government; after giving it careful consideration, the Government hoped to publish its response later in the year following joint work with the Commission on some of the proposals. The Government would also try to make some administrative improvements. Finally, it was noteworthy that the new Chairman of the Commission for Racial Equality, Mr. Ouseley, was from an ethnic minority group.

25. One area in which the success of the anti-discrimination legislation could be judged was the progress of discrimination cases through the industrial tribunals system. The Commission for Racial Equality provided assistance to large numbers of applicants wishing to bring a case before those tribunals. Although it was difficult to draw too many conclusions purely on the basis of statistics, it did seem that the system was working increasingly effectively. The number of applications appeared to show a small, but not excessive increase in cases, and more and more cases were given support by the Commission. The number of cases settled out of court remained roughly constant and the number of cases won appeared to be on the increase. Lastly, the number of cases lost remained fairly constant and the amount of money received in the form of settlements was increasing. Hence, the mechanisms provided by the 1976 Act appeared to have become better known and to be increasingly used by the persons for whom it was intended.

26. The key to addressing the problems faced by ethnic minorities was to have accurate statistics at the national and local levels. The information from the 1991 population census, the first to ask questions about ethnic origin, was now coming in. The findings showed that the ethnic minority population was slightly larger than originally estimated, because out of a total population of nearly 55 million, just over 3 million - some 5.5 per cent - had been from ethnic minorities in 1991. The 1991 census also confirmed that the ethnic minority

population was much less dispersed geographically than the rest of the population. Economically and in the area of education, there were wide disparities between the ethnic communities. It was known, for example, that Pakistanis and Bangladeshis were the most likely to have no academic qualifications, whereas in the West Indian community, the younger generations did not appear to come off worse than their white counterparts. The census figures showed how difficult it was to generalize: the difference in experience within the ethnic minorities showed that problems needed to be addressed on a sectoral basis and not just globally.

27. The United Kingdom Government was giving priority to making the criminal justice system more sensitive to the needs of the ethnic minorities, because that was an area in which they had traditionally felt disadvantaged. In the face of what in some respects could be called a crisis of confidence, two specific measures had been taken. In the first place, the Criminal Justice Act, 1991, placed an obligation on the Home Secretary to publish information annually to facilitate the performance of those engaged in the administration of criminal justice, in order to avoid discriminating against anyone; such information had first been published in 1992 and copies had been sent to every judge and magistrate. In the second place, an Ethnic Minorities Advisory Committee had been established in 1991 to provide, among other things, training on ethnic minority issues to all persons who sat in a judicial capacity and to persons at all levels of the judicial system.

28. Much still remained to be done in order to build confidence between the judicial system and the ethnic minorities; there were still not only economic and social inequalities, but also conflicts between communities. Some ominous developments were occurring in Europe as a whole, and the level of racial attacks was undoubtedly a source of grave concern. Despite the measures adopted to tackle that particularly destructive problem, it persisted in the United Kingdom as in many other countries. The number of racial incidents reported to the police in England and Wales had risen from 4,383 in 1988 to 7,793 in 1992. At least some of that increase stemmed from the fact that the police were now required to maintain statistics on a much more systematic basis than in the past. It might also indicate an increase in the confidence of victims in the police, which would be a welcome step forward. Those figures, however, reflected only reported cases; a more realistic estimate, based on an official survey of crime in Great Britain, was that the real number of racially motivated crimes was in the order of 130,000 to 140,000 per year. Based on a study conducted by the Metropolitan Police in 1992, 17 per cent of those crimes were probably assaults; the other acts in question had caused no harm to the victim or consisted of damage to property or of verbal or some other form of harassment. Moreover, the definitions used by the police were such that those figures covered all incidents perceived as being racially motivated. But that was a complicated social phenomenon. In the Government's view, they were not systematic, politically driven attacks; they represented, rather, a pattern of random acts by a small minority, exacerbated by the social conditions prevailing in certain areas. There was obviously no question of underestimating the seriousness and the effects of such behaviour: it was a deeply distressing and profoundly

destabilizing phenomenon to which there was no quick, easy solution. Legislation did exist to provide protection and support for the victims, but it was often difficult to gather sufficient evidence to mount successful prosecutions.

29. On the recommendation of the Home Affairs Committee of the House of Commons, an interdepartmental Racial Attacks Group had been set up. The Group's 1989 report made a series of detailed recommendations for the police service, housing authorities and other organizations on combating racial attacks and harassment. A follow-up report by the Group in 1992 detailed progress to date, noted good practice, and gave practical advice. Those two reports had been important in promoting a multi-agency approach and inter-agency cooperation for addressing that difficult issue. The Home Affairs Committee was again looking at racial violence, and the Government would shortly examine its conclusions very closely.

30. The danger of violence also existed among the different ethnic minority communities. In 1992, after the attack on a mosque at Ayodhya in India, there had been fears of a similar outburst of violence in the United Kingdom between the Hindu and Muslim communities. In the event, there had been some incidents, but intensive efforts involving the police and the minorities had taken place at the local level. Following a meeting between the Home Secretary and the Muslim and Hindu community leaders, a joint statement had been issued condemning the use of violence. Since then, there had been calm, but the issue remained a deeply sensitive one, as did the matter of The Satanic Verses, which continued to require the most sensitive handling, not only in the United Kingdom but abroad.

31. The fact that the ethnic minorities were concentrated in the deprived areas of the inner cities only added to the Government's concern. Much effort was being expended to regenerate those inner-city areas, inter alia through the "City Challenge" scheme launched in 1991 to tackle the most difficult problems. One of the objectives of that scheme was to address the specific needs of the minority ethnic communities in the context of partnership, by providing training and launching community projects to help the minorities. They would also share in the general benefit of improvements in the inner cities. There were currently 31 City Challenge partnerships, each of which would receive £37.5 million over a five-year period. The Government's total commitment to those programmes amounted to over £1 billion, and it was expected to attract a further £3 billion in private-sector investment. There were many programmes that contributed directly or indirectly to the regeneration of inner cities. Thus, the annual budget of the Urban Programme was currently £156 million. It was, however, obvious that all public expenditures were currently affected by the economic situation and that future grants under Section 11 of the Local Government Act would be curtailed. However, the funds already allocated under the Urban Programme and under Section 11 would not be affected. The aim would be to target resources carefully so as to channel them where they were most needed and could be best used.

32. In conclusion, he recognized that, regrettably, disadvantage and discrimination still existed in many fields, including housing and employment.

The results of the efforts made were painfully slow in coming because the task of modifying attitudes was a difficult one, but the political will to change the situation was nevertheless real.

33. Mr. FERRERO COSTA (Country Rapporteur for the United Kingdom) thanked the United Kingdom delegation for the detailed country report (CERD/C/SR.226/Add.4), which contained a wealth of very interesting information and was accompanied by various very illuminating documents. The report should be considered in conjunction with the core document submitted in June 1992 (HRI/CORE/1/Add.5). In addition, the United Kingdom representative had made an oral statement which had the ring of sincerity, recognizing that serious problems remained to be solved in his country and pointing out that his Government's cooperation with the Committee constituted a useful learning process.

34. The very full information that had been readily forthcoming from the United Kingdom Government was proof of its willingness to continue a fruitful dialogue with the Committee and to give effect to the provisions of the Convention. That Government had, moreover, been the first in Europe to adopt, as early as 1976, a Race Relations Act, in other words to pass detailed legislation against racial discrimination, as well as to have a concrete political instrument to eliminate that scourge, the Commission for Racial Equality.

35. Nevertheless, there was no escaping the dreadful reality that, in the modern world, racism, racial discrimination and new discriminatory practices were developing everywhere, including Europe and Great Britain. As a matter of urgency, the international community, States parties and the Committee itself should redouble their efforts to combat those evils. In that connection, the twelfth report of the United Kingdom was well suited to a constructive dialogue on the most relevant aspects of that question. It should, however, be noted that the report did not fully conform to the Committee's guidelines with respect to the order in which the issues should be addressed. That was an error of presentation, already pointed out in connection with previous reports, which should be corrected in the future.

36. Paragraphs 11-13, paragraph 73 and various annexes to the report provided useful statistical information. They showed that the number of persons belonging to ethnic minorities was on the increase, having risen from 2.1 million in 1981 to 2.7 million in 1988-1991; moreover, the proportion of the total population accounted for by members of ethnic minorities had risen from 4.7 per cent in 1986-1988 to 4.9 per cent in 1989-1991. Other recent sources claimed that, in fact, 5.5 per cent of the population of the United Kingdom was constituted by non-white ethnic minorities. In those circumstances, combating racial discrimination and protecting the minorities were becoming increasingly important issues. In that connection, the United Kingdom Government had stated that, in order to take effective measures, it was necessary to have the most accurate and detailed information possible on the size, characteristics and distribution of the ethnic minority groups. He therefore inquired what steps had been taken, apart from the census, to obtain more accurate information; it would be desirable to have more details on that subject in the next report. Regarding the 1991

census, the final results of which would be of great interest to the Committee, it had been indicated that the ethnic minorities had been widely consulted on the question put regarding ethnic origin. He asked who had been consulted on the subject and which representatives of the ethnic minority groups had been able to give their opinion on the formulation of that question.

37. Paragraphs 2-7 and 17 of the report referred to amendments made to the Race Relations Act in the areas of housing, employment, legal services and broadcasting. However, the first two of those amendments had already been referred to in the previous report, and the other two dated back to 1990. He therefore inquired whether any legislative measures had been taken since 1990 to improve and supplement the Race Relations Act. He would also like to know whether the Government had taken any action on the recommendations by the Commission for Racial Equality with a view to improving the legislation; the report gave some information on the subject, but it would be helpful to have more details. In paragraphs 126 and 127 of the report, it was indicated that the Commission's proposals for amendments to the Race Relations Act had been considered but that no formal response had been made to the Commission because there was no realistic prospect of fresh race relations legislation; yet the Government indicated that it was willing to amend the legislation in the future, when that would appear to answer a need. However, it seemed that some recommendations were currently being considered: did the Government think it was now realistic and timely to amend the 1976 Act? In 1991, the Commission for Racial Equality had carried out a second review of that Act, as a result of which it had made some very important recommendation dealing in particular with social welfare, housing and employment. Since the Government had undertaken to give careful consideration to the measures advocated, it would be useful to know what were the recommendations of the Commission on which it intended to take action. A mere reading of the twelfth periodic report might give the impression that the Government did not really take the Commission's proposals seriously. However, the statement of the United Kingdom representative had just given the opposite impression, and it would be most interesting to find out what action would be taken on those recommendations. More generally, it would be helpful to know whether the Government actually intended to amend the Race Relations Act in the light of the new racial problems in the United Kingdom.

38. With regard to the situation in Northern Ireland, he thought that the information provided in paragraphs 8-10 of the report was too brief and too general. However, the overriding impression was that the situation was actually much more complex and serious than the report suggested. What appeared most disturbing was the fact that the Race Relations Act was not applied in Northern Ireland, as though that region was not a part of the United Kingdom. The twelfth periodic report did not specify the origin of the ethnic minority groups in Northern Ireland. It was known that there were Chinese, Pakistanis, Indians, Vietnamese and travellers. It would help the Committee to have detailed information on the ethnic composition of the non-white minorities there. It would also be useful to know whether the question on ethnic origin that had been asked in the rest of the United Kingdom during the 1991 census had also been asked in Northern Ireland and, if not, why not.

39. With particular reference to the travellers, he said that, according to the Save the Children Fund organization, being a Gypsy in Northern Ireland invariably meant belonging to a minority whose standard of living was lower than that of the rest of the population, and that, according to other reports, the large majority of the travellers were young people, which indicated a short life expectancy. Could the United Kingdom delegation tell the Committee whether the travellers constituted an indigenous Irish group and say what was their situation in relation to the other ethnic groups and other Irish people? He also inquired what special measures of protection were provided for them by the Government. There were other disadvantaged minority groups, firstly persons of Chinese origin, who were victims of acts of racism, especially of vandalism directed against their homes and businesses, and who, on account of the language barrier, did not have easy access to the necessary health and education services. There was also a black minority in Northern Ireland. The United Kingdom delegation should explain to the Committee the situation of those two minorities and what measures, if any, had been adopted to protect them.

40. Generally speaking, it would help the Committee to know what the authors of the report meant in paragraph 8 by the phrase "Although the scale of racial discrimination may be limited". Explanations were called for, in respect both of the fields where such limited discrimination occurred and of the persons who were particularly affected by it and of the action taken by the Government to prevent or punish it.

41. According to paragraph 8 of the report, a consultative document concerning Northern Ireland was to be published which would examine the scope for legislation on racial discrimination and what additional action should be taken to promote equality of treatment. He asked whether that document had now been published, whether there was scope for legislation on racial discrimination and what further action the Government should take. He also inquired about the Government's reaction to the publication, in 1992, of the document entitled "Racism in Northern Ireland". With reference to paragraph 10, he wished to know what kind of government assistance was given to the etnnic minority communities, and what services were provided to them by government agencies and what programmes and policies had been developed by those agencies to help them.

42. In short, it appeared clear that, as far as Northern Ireland was concerned, the United Kingdom Government was not fulfilling its obligation to enact legislation against racial discrimination. It could at least apply the 1976 Race Relations Act there. It should also, in order to comply with the provisions of article 2 of the Convention, adopt a policy to eliminate all forms of racial discrimination. It was plainly doing nothing in that respect. The United Kingdom representative should provide the Committee with an explanation. He should also explain why the Commission for Racial Equality was not competent in Northern Ireland, state whether another government body was performing its duties and, if that was not the case, whether one should not be created.

43. With regard to the situation of Irish people living in the United Kingdom, he had received reports of acts of racial discrimination against them. He asked

the United Kingdom representative whether those reports were true, whether the matter had been examined, and what measures the Government could adopt to combat that phenomenon.

44. Several initiatives and programmes against racial discrimination were described in paragraphs 18-26 and 30-34 of the report. There was, inter alia, a Safer Cities Programme and a pilot project called City Challenge. Moreover, the ethnic minorities received grants. He inquired how those programmes were applied in practice, whether they attained their objectives, whether they were evaluated on a regular basis and whether the share of the budget allocated to each of them was on the increase or on the decline, both in absolute terms and as a percentage of the government budget.

45. The twelfth periodic report also provided a good deal of information about the maintenance of law and order and the police forces. With respect to the recruitment of members of ethnic minorities to the police service, which was covered in paragraphs 35-38, he considered the increase in the number of police officers belonging to ethnic minorities to be very small, given that non-white police officers represented only 1.25 per cent of the total force, whereas non-whites constituted about 5 per cent of the total population of the United Kingdom. He asked that the next periodic report of the United Kingdom should contain information on the number and percentage of police officers belonging to ethnic minorities, particularly in Northern Ireland and Scotland, so that their relative size and the growth in their numbers would be clear. It would also be helpful to have information about the exact ethnic group to which those officers belonged.

46. He noted that paragraph 37 of the report dealt with important measures adopted by the Home Office since the publication of the United Kingdom's previous periodic report. They were commendable, but also raised some questions. The first concerned the evaluation of their impact on the officers recruited in 1992 and 1993; the second referred to the places where they were applied - were they applied in Scotland and Northern Ireland? Those same questions should also be asked about the police/community consultative arrangements and police training programmes mentioned in paragraph 39 of the report.

47. Under article 2 of the Convention, States were also bound to take action to prevent racial attacks. The initiatives taken in that respect by the United Kingdom Government were dealt with in paragraphs 40 and 41 of the report. That scourge was rife not only in the United Kingdom, but also in a number of countries of Western Europe, and was a source of concern to the whole world, especially since it was constantly expanding. Regarding the figures for the United Kingdom, the representative himself had said that the official figures for racial attacks given in the report were much lower than the actual ones, which were thought to be in the order of 130,000 to 140,000 per year. The United Kingdom delegation should furnish more accurate information on the number, and also the type and place, of such attacks. In any event, that phenomenon should be studied more thoroughly, using scientific parameters, and an account of it should be given in the United Kingdom's next report. While it was true that

the Government had taken some measures, they were clearly insufficient. It should therefore adopt new and more effective ones. The Racial Attacks Group had provided reports which contained recommendations and guidelines. It would be interesting to know whether account had been taken of those guidelines in practice and if so, whether any studies had been carried out to ensure that they yielded good results and achieved their aims; whether, after its 1991 report, that Group had prepared other reports and proposed further recommendations; and, lastly, whether such recommendations should not be made periodically. The Government was taking some action, as attested by paragraph 41 of the report, but clearly it should do much more. He asked whether the police was really implementing in a satisfactory manner the practical measures and recommendations mentioned. He inquired whether sanctions were taken against those police officers who did not follow the instructions given to them and against those who did nothing to prevent racially motivated incidents. According to Amnesty International, complaints were lodged against police officers and their victims were compensated - which proved that the acts were officially recognized - but members of the police force who committed criminal acts were not punished.

48. He welcomed the appointment of a staff officer, referred to in paragraph 41 (v), to deal with community and race relations issues, but he would have liked more information about the work of that officer, and to know whether he was white or whether he belonged to a minority group. He also asked what was being done to give the police forces special training so that they would act in all circumstances to prevent racial incidents, and what steps were being taken in that direction in respect of the general public, the white and other communities, in the schools, the universities, etc. Extensive education was needed to change attitudes and to instil the principles of equality and tolerance into citizens.

49. The question also arose of the penal sanctions - and he stressed the penal nature of the sanctions - provided against racial attacks, in addition to the usual sanctions against physical assault. Did the Government envisage any special penal sanctions when there was an element of racial motivation in an attack? Did it plan to strengthen the criminal law in respect of racist attacks? What penalties had been imposed on white or other perpetrators of racist attacks? Lastly, had any action been taken to monitor the phenomenon of racial attacks and to strengthen the legal framework for the prevention of such attacks?

50. That phenomenon was becoming increasingly widespread in a number of European countries. In its latest report, the Racial Attacks Group had indicated that it would seize every opportunity that arose to let the rest of Europe know of its unshakeable determination to eliminate racial crimes. That was a recognition of the international scope of the problem, but he inquired what measures the United Kingdom intended to take in cooperation with other European States to deal with the rising number of racial attacks.

51. He emphasized that, especially in the present world situation, the application of article 2 was indissociable from that of article 4 of the Convention; however, the twelfth periodic report of the United Kingdom made no mention of it. On considering the previous report, the Committee had found that

the United Kingdom was only partially discharging its obligations under article 4, whereby States parties condemned all racist propaganda and organizations and undertook to adopt immediate and positive measures designed to eradicate all incitement to acts of racial discrimination. He asked the United Kingdom representative to explain to the Committee the scope of the legislation enacted in order to implement article 4 (a) of the Convention, which declared punishable all dissemination of ideas based on racial superiority, as well as all acts of violence or incitement to such acts against any race or group of persons. Given the importance of the subject today, an oral explanation should be supplemented by a written explanation in the United Kingdom's next report. Specific information should also be supplied about the penalties provided for in the legislation, and cases in which it had been applied and the perpetrators of racially motivated acts of violence had been punished by the system of criminal justice.

52. Furthermore, as had been pointed out on previous occasions, the United Kingdom was not fully discharging its obligation under article 4 (b) of the Convention. On ratifying the Convention, the United Kingdom had made an interpretative statement of that article: however, the situation had become much more disturbing since then; the British National Party had adopted an openly racist attitude and its activities violated the Convention. There had, in fact, been reports of an increase in racial violence, which was linked to the activities inter alia, of the British National Party, in some regions of the United Kingdom. It should also be recalled that a report of the European Parliament described that party as "openly Nazi", and yet it continued to operate with complete impunity. Furthermore, there were reports of an upsurge in anti-Semitic campaigns by a number of British organizations. Under those circumstances, the United Kingdom Government might contemplate withdrawing its interpretative statement and adopting sanctions against persons of violating article 4 (b) of the Convention. In his opinion, the British Government's passive attitude towards that party was contrary to both the spirit and the letter of article 4 (b) of the Convention. He asked the United Kingdom representative whether his country envisaged changing its policy towards the British National Party; whether the fact of tolerating political parties or other institutions with fascist leanings did not help to encourage discrimination and the perpetration of acts of racial aggression in the United Kingdom; and what measures the Government was taking to control the acts of anti-Semitism which were occurring in the United Kingdom. In that connection, he again expressed the wish that the United Kingdom's next report should indicate the legislation in force in England, Wales, Scotland and Northern Ireland to apply article 4 (a) of the Convention.

53. With regard to article 3 of the Convention, he said that once again the United Kingdom had supplied no information about that provision, and had thus deviated from the Committee's guidelines concerning the preparation of reports. On the one hand the Committee requested information on the status of diplomatic, economic and other relations with the regime of South Africa; on the other, States parties were required to notify the Committee of the measures taken pursuant to article 3 of the Convention concerning acts or practices of racial

segregation and apartheid which occurred in their own territory. That obligation was recognized in the United Kingdom's Race Relations Act, 1976, section 1 (2) of which indicated that the fact of separating one person from other persons on grounds of race was tantamount to treating that person less favourably than the others. In that connection, he cited the instance of a child who, in 1987, had been subjected to unfavourable treatment on racial grounds, in an educational establishment to which he had been transferred. That was a case of racial segregation on which he would welcome clarification.

54. With regard to article 5 of the Convention, paragraphs 56-66 of the second periodic report gave information on immigration and immigration rules, regulations governing polygamous marriages and child marriages, nationality and asylum. In that connection, "Justice" - the British section of the International Commission of Jurists - had made a series of comments which revealed that the legislation on immigration and nationality had a particular impact on British nationals and residents who were black or belonged to ethnic minorities and that they infringed the civil rights which were guaranteed by article 5 (d) of the International Convention on the Elimination of All Forms of Racial Discrimination. In those circumstances, he asked whether the United Kingdom was planning to pass legislation to rectify the situation which had resulted from the existing legislation.

55. Regarding the remainder of article 5, the United Kingdom's previous periodic report had concluded, in substance, that it was essential for the United Kingdom to make a greater effort to improve the situation of the members of ethnic minorities in respect of education, employment, housing and economic position. In fact, there was extensive information on those points in paragraphs 67-123 of the twelfth periodic report. He appreciated that effort as it reflected a sincere desire to have a dialogue and a concern to improve the economic and social situation of the ethnic minority groups, in keeping with article 5 of the Convention. Thus, paragraphs 67-91 of the twelfth report dealt with employment, paragraphs 92-102 with housing, paragraphs 103-108 with social services, paragraphs 109-115 with health, and paragraphs 116-123 with social security.

56. For the sake of brevity, he would confine his comments to the question of employment, in which he took a particular interest. He mentioned in passing the disparities in the unemployment rates for whites and for the ethnic minorities and asked how the public authorities concluded public supply works or service contracts in such as way as to avoid any form of racial discrimination (para. 27 of the report). With regard to hiring in the private sector, he asked what information job applicants were supposed to supply, and whether or not ethnic origin influenced an employer's decision to recruit an applicant. How could the Government make sure that an applicant with an Asian-sounding surname would not be put at a disadvantage when an employer was recruiting? The privatization of the public sector made those questions more pointed. Furthermore, in paragraph 77 it was stated that "There has been a significant growth in self-employment and private business activity among all ethnic groups". How did the average income of self-employed persons belonging to ethnic minorities

compare with the income that they would have had if they had been employed in the private or public sector?

57. With regard to article 6 of the Convention, he asked whether the Commission for Racial Equality (para. 124 of the report) had a hand in preparing or reviewing the periodic reports which the United Kingdom Government submitted to the Committee on the Elimination of Racial Discrimination, and whether the conclusions of the dialogue between the United Kingdom and the Committee, as well as the relevant summary records, were brought to the Commission's attention.

58. On the subject of the industrial tribunals (paras. 129-135 of the report), the United Kingdom representative had provided a great deal of additional information which was very useful to the Committee. However, it would be desirable for the State party to give fuller information on the functioning of those tribunals, the number and type of cases brought before them and the decisions which they had taken. Was the United Kingdom Government satisfied with the role played by those tribunals in providing effective remedies or protection to the victims of acts of racial discrimination at the workplace?

59. With regard to article 7 of the Convention, very useful information was given on community radio and on the Broadcasting Act, 1990 (paras. 136-138 of the report) and on education (paras. 139-169 of the report). Of all the measures indicated with respect to the implementation of article 7, which ones had proved to be effective and which ones ineffective in practice? In the opinion of the United Kingdom Government, what educational measures had yielded the best results in combating intolerance and racial prejudice and promoting understanding, tolerance and friendship among races? Was the Government planning further measures in the field of education? Many perpetrators of acts of racial aggression had passed through the educational system, thus showing the latter to be inadequate. What part did the Department of Education currently play in the overall policy of the Government to reduce acts of racial aggression? Were there not perhaps coordination problems among the various national institutions responsible for combating racial discrimination? What Government body coordinated their activities? Finally, were the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination taught to a sufficient extent in the United Kingdom? Were the reports submitted to the Committee published by the Government and were the conclusions reached by the Committee after considering them disclosed?

60. He recalled that, in addition to its interpretation of article 4 of the Convention, the United Kingdom had formulated a reservation concerning the Fiji Islands. During its consideration of the eleventh periodic report, the Committee had recommended that the United Kingdom Government should withdraw that reservation. What action had been taken on that recommendation? With respect to article 11 of the Convention, given its pioneering role in matters of legislation and policy to combat racial discrimination, could not the United Kingdom play a similar role at the international level by drawing the Committee's attention to cases of racial discrimination committed by other States parties? That was an

especially important question at a time when racial discrimination was growing worse in other countries, more particularly in Europe.

61. Finally, it was surprising that, given its history, the United Kingdom had not made the declaration provided for in article 14, whereby States parties recognized the competence of the Committee to receive and consider communications. Apart from ensuring better protection against racial discrimination, such an initiative could serve as an example to other States.

62. Mr. STEEL (United Kingdom), introducing the report for the United Kingdom dependent territories, said that the 11 texts concerning them were reproduced separately in Part Two of the United Kingdom's twelfth periodic report to the Committee (CERD/C/226/Add.4). Except for Hong Kong, for which two reports were submitted separately and successively, the eleventh and twelfth periodic reports for each territory had been combined in a single text. The United Kingdom Government very much regretted its failure to submit those texts separately and within the time-limits, for which he wished to make a formal apology. That failure was due not to a lack of concern for their contractual obligations on the part of the United Kingdom Government or the Governments of the various territories concerned, but to an acute shortage of resources and expertise in those territories. It was the responsibility of the local Governments and, in the final analysis, of the Attorney-General for the territory concerned, to gather and evaluate the relevant documents and draft each report.

63. Except for Hong Kong, the United Kingdom dependent territories were very thinly populated, and therefore their administrative resources were very stretched and usually unsophisticated. Aware of that situation, the United Kingdom Government had dispatched an independent human rights expert to each of the Caribbean territories to advise and assist the local Governments, at the expense of the metropolitan Government. That expert had been able to prepare an outline for each of the international instruments calling for reports, including the International Convention on the Elimination of All Forms of Racial Discrimination. Those draft reports had subsequently been communicated to the local authorities for finalization and adoption. The expert had not been able to visit the territories situated outside the Caribbean, but some of those territories had benefited from the model which had thus been drawn up. The exercise had been made easier by the fact that, for historical reasons, all the dependent territories had a virtually identical judicial and legislative system, which explained why certain passages of some reports had been couched in almost identical language to the corresponding passages in other reports. The whole operation had taken a considerable amount of time, so that the United Kingdom Government had thought it advisable to submit a consolidated report for each of the territories concerned, except for Hong Kong. In the case of Hong Kong, the local authorities had already drafted the eleventh report by then, so that the eleventh and twelfth reports had been submitted separately.

64. Regarding the content of the different reports, he wished to furnish additional information on two questions. In the first place, in paragraphs 11 and 15 of the report on the Cayman Islands (CERD/C/226/Add.4, pp. 71 and 72),

there was a reference to the possibility of amending the Constitution of the territory through the incorporation of a bill of rights. It had been decided to introduce that reform in the near future and to include an anti-discrimination provision in the bill. In the second place, in paragraph 3 of the twelfth report on Hong Kong (p. 90), reference was made to the enactment in June 1991 of the Hong Kong Bill of Rights Ordinance and to a corresponding amendment to the Letters Patent of Hong Kong. Copies of the text of the Ordinance had been handed to the secretariat for the information of the members of the Committee. As members would see, the text of the Bill of Rights formed part of Section 8 of the Ordinance, and its provisions dealing with racial discrimination appeared in articles 1, 22 and 23.

The meeting rose at 6.15 p.m.